THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5727 of 2007

Dated: 21.03.2007

Between:

P. Ramesh Babu.

.... PETITIONER

AND

The Regional Manager, APSRTC, Kurnool, Kurnool District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5727 of 2007

ORDER:

The petitioner filed this writ petition with the following prayer;

"to declare the action of the 2nd respondent in imposing the punishment of reduction of basic pay by two incremental stages, vide proceedings, dated 29.01.2004, on the charge of rash and negligent driving, and not reviewing the case of the petitioner keeping in view of acquittal in the criminal case, as illegal and arbitrary, and consequently, to direct the respondents to pay the benefits during the period of removal along with back wages."

2. The petitioner while working as Driver with the respondent-APSRTC, was removed from service on 03.12.2003 on the ground that he caused a fatal accident, which resulted in the death of a person and injuries to several other passengers. Though the appeal preferred against the order of removal was dismissed, but in review, the review authority modified the order of removal to that of reinstatement of the petitioner into service by reducing his basic pay by two incremental stages vide proceedings dated 29.01.2004. While so, in the criminal case registered against him in connection with the accident, the competent criminal Court acquitted him. Consequent upon his acquittal, the petitioner claims to have made a representation to the reviewing authority to review the punishment of reduction of basic pay by two incremental

stages imposed against him while ordering his reinstatement, but no action thereon had been taken. Hence, the writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for respondent-APSRTC.

4. A perusal of the record would show that though the petitioner was removed from service by the disciplinary authority on the proved charge of rash and negligent driving, the fact remains, review authority, after re-appreciating the entire material on record, ordered his reinstatement into service by imposing lesser punishment of reduction of basic pay by two incremental stages. Though the petitioner contends that consequent upon his acquittal by the criminal Court, he made representation to the review authority to review the punishment of reduction of his pay by two incremental stages, the fact remains, he has neither filed copy of the representation, said to have been made to the reviewing authority nor the copy of the judgment of the criminal court, which acquitted him in the criminal case. In the absence of any material filed by the petitioner, it is not proper for this Court to grant any relief, much less the relief prayed for by him in the present writ petition.

5. The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 21.03.2007

sj/nsr